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MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION JANUARY 4, 2006

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Commissioners Matthew Hopkins, Lenny Levy, Danny Winborne, and Alternate Lloyd Kaufman; City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Rob Robinson and Kirk Eby/GIS, and Recording Secretary Myriam Gonzalez. Absent: Vice-Chair Hicks. Chair Bauer stated that Alternate Commissioner Kaufman would be participating this evening, as not all Commissioners were present.

I. APPROVAL OF MINUTES

December 7, 2005, Planning Commission Meeting

Commissioner Levy moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the December 7, 2005, Planning Commission Meeting, as submitted this evening.

Vote: 4-0-1 (Abstained: Bauer)

II. RECOMMENDATION TO MAYOR AND COUNCIL

MP-2-04 -- G.E. Technology Park Special Study Area of the Land Use Element of the 2003 Master Plan Update.

Planning and Code Administration Director Ossont identified this Master Plan Study Area 10 as the former National Geographic property and noted that five of the ten study areas of the Land Use Element of the Master Plan have already been adopted. He reported the Planning Commission public hearing record closed on December 21, 2005, as previously announced at their December 2005 regular meeting. He noted several joint work sessions were held in 2004 and 2005 and reviewed the latest revisions to the current draft plan, noting they were based on the guidance staff received after the last joint work session in November 2005.

He indicated the draft plan before the Commission this evening includes Land Use Options 1 and 3, with revised language for the Special Condition within Option 3 and additional language to address the significance of the existing office building and to provide an enhanced greenway as a baseline requirement. He referenced Exhibit 36 and highlighted each of the changes since the work session. Mr. Ossont noted that a resolution recommending adoption of MP-2-04 to the City Council had been prepared for the Commission for approval this evening.

Commissioner Kaufman favored the plan's recognition for the potential historic significance of the existing National Geographic Society building, noting that its unique quality as well as its commercial aspect in a campus setting should be preserved, and recommended referencing it in the resolution. In addition, Commissioner Levy noted the recommendation for the existing

building listed in the Market Analysis (Exhibit 37, pg. 16) and requested it also be highlighted to the Mayor and Council. It was pointed out that both issues are included within the Plan exhibits, though not necessarily referenced in the resolution. Commissioner Kaufman, however, stressed the need for conveying to the Mayor and Council the importance of not losing the commercial component. Commissioner Hopkins agreed with Commissioner Kaufman and favored keeping the Plan as flexible as possible, noting that the office core should be encouraged as well.

Commissioner Hopkins moved, seconded by Commissioner Winborne, to APPROVE Resolution PCR-1-06 recommending adoption of MP-2-04 to the City Council.

Vote: 5-0

III. SITE PLAN

SP-05-0010 -- The Towns at Summit Woods
70 West Deer Park Road
130 Townhouse Development
AMENDMENT TO PRELIMINARY/FINAL PLAN REVIEW
R-20 Zone

Chair Bauer announced that the tenant relocation agreement had been executed, in compliance with a condition of preliminary plan approval. Planning and Code Administration Director Ossont briefly commented on that agreement and noted that it includes a provision whereby existing tenants will receive 3.5 months of rent at the market rate.

Planner Robinson noted the location of the property and provided a brief background regarding the previous plan approvals.

Attorney for the applicant, Erica Leatham, Holland & Knight, LLP, thanked staff for their assistance and thorough analysis of this project and voiced the applicant's agreement to the conditions recommended by staff.

Architect for the applicant, James McDonald, Lessard Group, presented the proposed plan and discussed the changes since the last review, noting that the shifting of some of the units four feet northward requires an amendment to the previously-approved preliminary plan. He highlighted the advantages of the unit shift, noting additional landscaping along West Deer Park Road frontages, straightening the new alignments behind those units, and resolution of conflicts with public utility easements (PUE) and public improvement easements (PIE).

He discussed the final plan, presented streetscape renderings, and briefly reviewed again the unit types, landscaping and architectural features, as well amenities and parking, and noted that 37 key lots were created at the entrance to the community and along West Deer Park Road that include special architectural features to enhance the design of the plan.

The following was testimony from the public:

Kenneth Johoiske, 76 West Deer Park Road, identified himself as a member of the Deer Park Tenant Association, distributed information relating to the relocation plan, and voiced concerns about potential flooding due to the stream that runs under the property, and about providing an active play area for children of the new development.

Pete Exis, 76 West Deer Park Road #102; Stephanie Lilly, 72 West Deer Park Road #102; Franklin Tucker, 80 West Deer Park Road #101; and Joan Levy, 72 West Deer Park Road; voiced their concerns with the finalization of the relocation plan without the tenants' input and

requested that long-term tenants receive four months' rent due to the additional expenses they will incur.

In response to Chair Bauer, Planner Robinson listed the changes in the amended preliminary plan, noting staff recommends its approval with no conditions, as the plan complies with Zoning Ordinance §§ 24-170 and 24-171. Regarding the proposed final site plan, Mr. Robinson voiced staff's recommendation of approval with conditions that he listed. In response to Commissioner Hopkins, Mr. Robinson provided clarification regarding the reforestation plan and a fee-in-lieu payment.

City Attorney Borten requested the addition of Condition 10 for an enforcement mechanism for the relocation plan. In response to Commissioner Levy, she indicated the Homeowners Association (HOA) would be responsible for alley maintenance via their covenants for common areas. Following discussion, the Commission concurred on an additional condition regarding identification of units in the Design Guidelines and Commissioner Hopkins noted the revised alley design and the Design Guidelines mission statement were satisfactory. In response to City Attorney Borten, the Commission referenced the pertinent City Code criteria for approval and indicated that the evidence supports the plan's compliance with them.

However, Commissioner Winborne voiced his discomfort with the way the Commission's preliminary plan approval condition relating to the relocation plan had been interpreted. Chair Bauer voiced his appreciation of the tenants' involvement in this process and commended the Planning Staff and the City Manager's Office for their work on the evolution of the project and the improvements to the original proposal.

Commissioner Levy moved, seconded by Commissioner Kaufman, to grant SP-05-0010 - The Towns at Summit Woods, AMENDMENT TO PRELIMINARY PLAN APPROVAL.

Vote: 5-0

Commissioner Levy moved, seconded by Commissioner Kaufman, to grant SP-05-0010 - The Towns at Summit Woods, FINAL PLAN APPROVAL, finding the plan in compliance with Zoning Ordinance §§ 24-170 and 24-171, with the following conditions:

1. Applicant shall obtain final forest conservation plan and landscape plan approval by the City's Environmental Specialist prior to the issuance of site development permits;
2. Applicant shall obtain final storm water management (SWM) plan approval by DPWPM&E prior to the issuance of site development permits;
3. Applicant shall obtain final sediment control plan approval by DPWPM&E prior to the issuance of site development permits;
4. Applicant shall obtain storm drain plans and profiles approval by DPWPM&E prior to issuance of site development permits;
5. Applicant is to provide peer review of design, construction drawings, and global stability analysis for the segmented retaining walls for approval by DPWPM&E prior to the issuance of site development permits;

6. Applicant is to provide a staging, milling, repaving, and reconstruction plan for the disturbance to West Deer Park Road to DPWPM&E for approval prior to the issuance of site development permits;
7. Applicant is to perform the repair of the crack on the existing retaining wall described on Page 3 of the Meyer Consulting Engineers Corp.'s consultation report prior to the issuance of site development permits;
8. Applicant is to submit a revised record plat to be approved by staff and submitted to Montgomery County Land Records;
9. HOA covenants, including SWM maintenance agreements, are to be reviewed by staff for approval prior to issuance of the first building permit;
10. Applicant is to enter into a binding agreement with the City Manager by 5:00 pm on January 13, 2006, to insure that the relocation plan approved by the City Manager on January 4, 2006, is enforceable. This agreement will not change the definition of current market rent or increase the amount of compensation West Deer Park residents are entitled to under the Relocation Plan dated January 4, 2006. It is anticipated that enforcement mechanisms that will be included in the binding agreement are for the City to withhold the issuance of various permits and the ability to seek relief from any court of competent jurisdiction; and
11. Applicant is to revise the Design Guidelines to add the numbers of each unit on Page 6 prior to the issuance of site development permits.

Vote: 5-0

IV. FROM THE COMMISSION

Commissioner Kaufman

1. Wished everyone a Happy New Year. The Commission shared his greetings.
2. Recommended visiting a new exhibit entitled "Cityscapes Revealed," that has opened at the National Building Museum, 401 F Street, N.W., Washington, D.C.

Commissioner Levy

Asked the Commission if they wished Art Director Denise Kayser to make a presentation on the City's Art in Public Places Program. Commissioner Hopkins commented on the informative booklet and thorough additional information electronically provided to the Commission, noting that a presentation for general information at a Commission regular meeting is not needed at this time. The Commission concurred with Commissioner Hopkins.

Commissioner Winborne

Voiced his wish for collaborative work with the City Council on looking for affordable housing options within the City, including what other jurisdictions are doing.

Chair Bauer

Suggested holding another professional development session for the Commission and asked staff to tentatively schedule a date for that purpose.

V. FROM STAFFCommunity Planning Director Schwarz

Reviewed the schedule for upcoming regular Commission meetings and joint hearings/work sessions with the City Council.

Planning and Code Administration Director Ossont

1. Reported that an Art in Public Places sculpture will be installed shortly at the Easy Storage site on Md. Rte. 355.
2. Announced an Affordable Housing Workshop at the National Building Museum in Washington, D.C., noting that scheduling information would be forwarded to the Commission shortly.

VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:50 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary